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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,824	12/19/2001	Daniel A. Henderson	3052/001	1044

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,824

Applicant(s)

HENDERSON, DANIEL A.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 33, 34, 36-39, 46, 50, 51 and 53-56 is rejected under 35 U.S.C. § 102(e) as being anticipated by Metroka et al, U.S. Patent No. 5,117,449 (hereinafter Metroka).

Regarding claim 33, Metroka discloses a wireless communication device (see Figure 1) comprising:

a receiver (see units 110 and 105 from Figure 1) operably coupled to receive, over a wireless communication connection (see unit 111 from Figure 1), call data including a message (see message from column 1) and a unique identifier associated with the wireless portable communication device, the message

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including visual image data, the call data optionally including associated caller identifying information (see telephone number from column 6);

a display (see unit 103 from Figure 1); and

a controller (see unit 106 from Figure 1) operably coupled to display information including the visual image data on the display.

Regarding claim 34, see column 3.

Regarding claim 36, see unit 101 of Figure 1.

Regarding claim 37, see column 6.

Regarding claim 38, see column 6.

Regarding claim 39, see column 6.

Regarding claim 46, see Figure 1.

Regarding claim 50, Metroka discloses a method of messaging using visual image data in a wireless portable communication device (see Figure 1), the method comprising:

receiving call data over a wireless communication connection (see unit 111 from Figure 1), the call data including a message (see message from column 1) and a unique identifier associated with the wireless portable communication device, the message including visual image data, the call data optionally

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including associated caller identifying information (see telephone number from column 6); and

displaying (see step 352 from Figure 3C) information including the visual image data on a display (see unit 103 from Figure 1).

Claim 51 is rejected for the same reasons as claim 34.

Claim 53 is rejected for the same reasons as claim 36.

Claim 54 is rejected for the same reasons as claim 37.

Claim 55 is rejected for the same reasons as claim 38.

Claim 56 is rejected for the same reasons as claim 39.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 45 and 62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Metroka in view of Owen, U.S. Patent No. 5,483,595 (hereinafter Owen).

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Regarding claim 45, Metroka fails to teach the received visual image data is encrypted, and wherein the controller is operable to decrypt the visual image data message. However Owen teaches the claimed encrypting limitation (see column 6, line 46 to column 7, line 7). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka with the encrypting mechanism of Owen. This modification would have improved the reliability of Metroka by sending secure messages as suggested by Owen.

Claim 62 is rejected for the same reasons as claim 45.

5. Claims 35, 44, 52 and 61 are rejected under 35 U.S.C § 103(a) as being unpatentable over Metroka in view of Callaway, Jr et al, U.S. Patent No. 5,495,344 (hereinafter Callaway).

As per claims 35 and 52, Metroka fails to teach the message is a video telephone message, and wherein the visual image data includes video image data. All the same, Callaway discloses this feature (see abstract). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka with the virtual display capability of Callaway. This modification would have improved the system's

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flexibility by allowing for a facsimile paging system as suggested by Callaway (see column 1).

On the issue of claims 44 and 61, nowhere does Metroka indicate the received visual image data message is compressed, and wherein the controller is operable to decompress the visual image data message. Nonetheless, Callaway shows this limitation (see columns 3 and 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka with the compression and decompression techniques of Callaway. This modification would have improved the system's flexibility by allowing for a facsimile paging system as suggested by Callaway (see column 1).

6. Claims 40-43, 49, 57-60 and 65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Metroka in view of Ono et al., U.S. Patent No. 5,686,900 (hereinafter Ono).

Regarding claims 40, 49, 57 and 65, Metroka mentions a plurality of visual image data messages are stored in the memory along with respective caller identifying information (see column 6). Metroka fails to teach the controller is operably coupled to display the visual image data from the visual image data messages to a user of the wireless communication device in an

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order based on the caller identifying information. Despite Metroka's shortcomings, Ono covers this limitation (see abstract). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka with the message display function of Ono. This modification would have improved the system's convenience by allowing the user to easily retrieve important messages as suggested by Ono (see columns 1 and 2).

Regarding claims 42 and 59, Metroka mentions a plurality of visual image data messages are stored in the memory along with respective caller identifying information (see column 6). Metroka fails to teach the controller is operably coupled to display a listing of visual image data messages a user of the wireless communication device in an order based on the caller identifying information. Despite Metroka's shortcomings, Ono covers this limitation (see abstract). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka with the message display function of Ono. This modification would have improved the system's convenience by allowing the user to easily retrieve important messages as suggested by Ono (see columns 1 and 2).



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On the subject of claims 41, 43, 58 and 60, Metroka does not teach the order is user-programmable. All the same, Ono discloses this limitation (see column 6). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka with the message display function of Ono. This modification would have improved the system's flexibility by employing the important call identification or area identification code instead of the caller identification number as suggested by Ono (see column 6).

7. Claims 47, 48, 63 and 64 are rejected under 35 U.S.C § 103(a) as being unpatentable over Metroka in view of De Luigi et al, U.S. Patent No. 5,418,529 (hereinafter De Luigi).

On the subject of claim 47, Metroka does not teach the received visual image data message and associated caller identification information is stored in a contiguous area of memory. However De Luigi shows this feature (see column 2, line 58 to line 19 of column 3). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka to include the memory management technique taught by De Luigi. This modification would have improved the efficiency of Metroka by reducing storage requirements as suggested by De Luigi.

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Claim 63 is rejected for the same reasons as claim 47.

On the subject of claim 48, Metroka does not teach the received visual image data message and associated caller identification information is stored in non-contiguous areas of memory. However De Luigi shows this feature (see column 2, line 58 to line 19 of column 3). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Metroka to include the memory management technique taught by De Luigi. This modification would have improved the efficiency of Metroka by reducing storage requirements as suggested by De Luigi.

Claim 64 is rejected for the same reasons as claim 48.

### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the

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organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah  
Patent Examiner  
October 10, 2006